

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Michael Tavger
TITLE : A HIGH VELOCITY LIQUID-GAS
MIST TISSUE ABRASION DEVICE
APPLICATION NO. : 10/584,760
FILED : June 27, 2006
CONFIRMATION NO. : 5792
EXAMINER : Unknown
ART UNIT : 3763
LAST OFFICE ACTION : Unknown
ATTORNEY DOCKET NO. : JMBZ 200009

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR A REFUND (37 C.F.R. 1.28(a))

Dear Sir:

This is a request for a refund of the fee for national stage examination in the amount of \$100.00 and the fee for national stage search in the amount of \$50.00 which were charged to applicant's deposit account.

Applicant entered the national phase in the U.S. of International Application No. PCT/IL2005/000017 on June 27, 2006. Applicant paid \$150.00 for the basic national fee, \$375.00 for 15 additional claims and \$100.00 for one extra independent claim.

Applicant did not believe that he was required to pay an examination fee or search fee because the written opinion submitted with the national phase entry (copy enclosed) indicated that all claims satisfied provisions of PCT Article 33(1)-(4). Nevertheless, more than two years later, these fees were charged to the undersigned's deposit account. Therefore, a refund is requested.

III. FEES PAID FOR WHICH REFUND REQUESTED:

- ☒ \$100.00 fee for national stage examination; and,
\$50.00 fee for national stage search

TOTAL REFUND REQUESTED \$150.00

IV. MANNER OF REFUND

Please make refund by crediting Deposit Account No. 06-0308.

Respectfully submitted,

Fay Sharpe LLP

January 21, 2009

Date



Jay F. Moldovanyi, Reg. No. 29,678
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, Ohio 44115-1843
216.363.9000

CERTIFICATE OF MAILING OR TRANSMISSION

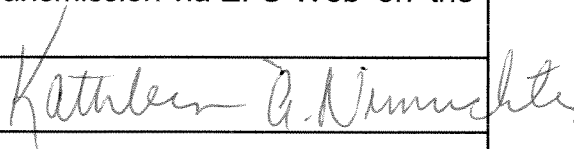
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being

☐ deposited with the United States Postal Service as First Class Mail, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

☒ transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.

Express Mail Label No.:

Signature:



Date: January 21, 2009

Name: Kathleen A. Nimrichter

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
TAV TECH LTD.
JEREMY M. BEN-DAVID & CO. LTD.
P.O. BOX 45087 HAR HOTZVIM HI-TECH PARK
JERUSALEM, ISRAEL 91450

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference TAV111-6.2		Date of mailing (day/month/year) 14 MAR 2006
International application No. PCT/IL05/00017		International filing date (day/month/year) 05 January 2005 (05.01.2005)
Priority date (day/month/year) 08 January 2004 (08.01.2004)		FOR FURTHER ACTION See paragraph 2 below
International Patent Classification (IPC) or both national classification and IPC IPC: A61M 37/00(2006.01) USPC: 604/24		
Applicant TAV TECH LTD.		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 19 February 2006 (19.02.2006)	Authorized officer Manuel Mendez Telephone No. (571) 272-3700
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IL05/00017

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IL05/00017

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-35</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>1-35</u>	YES
	Claims <u>NONE</u>	NO
Industrial applicability (IA)	Claims <u>1-35</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-35 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest, inter alia, at least one gas discharge nozzle and at least one liquid discharge nozzle.

Claims 1-35 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.